

AMENDED IN ASSEMBLY JUNE 10, 1998

AMENDED IN ASSEMBLY JUNE 4, 1998

AMENDED IN SENATE APRIL 16, 1998

AMENDED IN SENATE MARCH 26, 1998

**SENATE BILL**

**No. 1475**

---

---

**Introduced by Senator Thompson  
(Coauthor: Senator O'Connell)**

February 3, 1998

---

---

An act to amend Sections 8496 and 8837 of the Fish and Game Code, and to amend Section 6217.1 of the Public Resources Code, relating to fish.

LEGISLATIVE COUNSEL'S DIGEST

SB 1475, as amended, M. Thompson. Fish.

(1) Existing law designates specified ocean waters as the California halibut trawl grounds and regulates the taking of halibut and other fish species in those waters with the use of trawl nets. Among other things, under existing law, not more than 500 pounds of fish other than California halibut may be possessed within the California halibut trawl grounds, except that any amount of sea cucumbers, sharks, skates, or rays may be taken or possessed.

This bill would specify that any amount of sea cucumbers may be possessed within the halibut trawl grounds by a person who holds a valid sea cucumber permit and who meets other specified conditions. The bill would limit the taking and possession of sharks, skates, or rays in the halibut trawl

grounds to those for which the take or possession of that species is not otherwise prohibited. The bill would authorize single bags and cod-ends or double bags and cod-ends, of a specified size, to be used within the halibut trawl grounds while a vessel is in transit directly to the halibut trawl grounds or returning directly to port.

Because existing law makes a violation of the provisions in the bill a crime, the bill would impose a state-mandated local program.

(2) Existing law provides for the Salmon and Steelhead Trout Restoration Account and requires that a specified percentage of funds in the account be allocated as grants for projects that improve fish habitat in coastal waters utilized by salmon and anadromous trout species. Existing law provides for a citizen's advisory committee to be appointed, as specified, to give advice on the grant program and to recommend priorities for grant funds. Existing law specifies that not less than 65% of the money in the account shall be used for salmon habitat protection and restoration projects, as specified, and that up to 35% of the money in the account shall be allocated for other specified uses, including watershed related projects.

This bill would provide that any grant funds allocated to a project which exceed the actual cost of completing the project shall be returned to the account. The bill would authorize the Director of Fish and Game to suspend the percentage requirements stated above in any fiscal year that the advisory committee makes a recommendation to allocate money from the account in a manner that is not consistent with those requirements. The bill would provide for members of the advisory committee to be reimbursed for travel and incidental expenses related to the performance of their duties, as specified.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.



Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 8496 of the Fish and Game Code  
2 is amended to read:  
3 8496. Within the California halibut trawl grounds the  
4 following requirements shall apply to the use of trawl  
5 nets:  
6 (a) Open season shall be June 16 to March 14, inclusive.  
7 (b) California halibut shall only be taken pursuant to  
8 Section 8392.  
9 (c) Not more than 500 pounds of fish other than  
10 California halibut may be possessed, except that any  
11 amount of sea cucumbers may be possessed by a person  
12 who holds a valid sea cucumber permit and who meets  
13 any conditions adopted by the commission pursuant to  
14 Section 8405.3, and any amount of sharks, skates, or rays  
15 for which the take or possession of that species is not  
16 otherwise prohibited by this code may be taken or  
17 possessed.  
18 (d) It is unlawful to operate a trawl net in a way that  
19 damages or destroys other types of fishing gear which is  
20 buoyed or otherwise visibly marked.  
21 (e) Sections 8833 and 8836 do not apply to trawl nets  
22 when used or possessed on California halibut trawl  
23 grounds.  
24 (f) Trawl nets described in Section 8843 shall only be  
25 used within the halibut trawl grounds.  
26 (g) Single bags and cod-ends or double bags and  
27 cod-ends may be used within the halibut trawl grounds  
28 and may be possessed while a vessel is in transit directly  
29 to the halibut trawl grounds or returning directly to port.  
30 Double bags shall be hung and tied to each rib line so that  
31 the knots of each layer coincide, knot for knot, for the full  
32 length of the double layers. The double mesh section shall  
33 not measure over 25 meshes or 12 feet in length,  
34 whichever is greater. The individual meshes in the

1 double section shall measure not less than 7<sup>1</sup>/<sub>2</sub> inches in  
2 length.

3 (h) No net, whose cod-end meshes are less than  
4 prescribed in this section, may be possessed on any vessel  
5 that is operating under the authority of this section.

6 SEC. 2. Section 8837 of the Fish and Game Code is  
7 amended to read:

8 8837. It is unlawful to use or possess any trawl net  
9 which includes any bag or cod-end or modification  
10 thereof, other than a bag or cod-end of a single layer of  
11 webbing, except as authorized by Section 8496.

12 SEC. 3. Section 6217.1 of the Public Resources Code  
13 is amended to read:

14 6217.1. (a) For purposes of this section, “project”  
15 means an activity that improves fish habitat in coastal  
16 waters utilized by salmon and anadromous trout species.

17 (b) (1) The Department of Fish and Game shall grant  
18 funds from the Salmon and Steelhead Trout Restoration  
19 Account created in the Resources Trust Fund pursuant to  
20 subdivision (b) of Section 6217, as follows:

21 (A) At least 87.5 percent of the funds shall be allocated  
22 as project grants through the existing grant program  
23 operated by the fisheries management program of the  
24 Department of Fish and Game.

25 (B) Up to 12.5 percent of the funds may also be used  
26 for project contract administration activities and  
27 biological support staff.

28 (2) (A) A project shall require the consent of a willing  
29 landowner, and emphasize the development of  
30 coordinated watershed improvement activities.

31 (B) Projects that restore habitat for salmon and  
32 anadromous trout species that are eligible for protection  
33 as listed or candidate species under state or federal  
34 endangered species acts shall be given top funding  
35 priority.

36 (C) Projects shall be cost-effective and treat causes  
37 and not symptoms of fish habitat degradation. Projects  
38 may implement instream, riparian, water quality, water  
39 quantity, and watershed prescriptions and shall be



1 designed to restore the structure and function of fish  
2 habitat.

3 (3) Any grant funds allocated to a project which  
4 exceed the actual cost of completing the project shall be  
5 returned to the Salmon and Steelhead Trout Restoration  
6 Account.

7 (c) (1) A citizen's advisory committee shall be  
8 appointed by the Director of Fish and Game, to give  
9 advice on the grant program.

10 (2) The advisory committee shall consist of five  
11 representatives from the California Advisory Committee  
12 on Salmon and Steelhead Trout, one representative from  
13 the agriculture industry, one representative from the  
14 timber industry, one academic or research scientist with  
15 expertise in anadromous fisheries restoration, and two  
16 county supervisors from coastal counties in which  
17 anadromous trout exist. The county supervisor members  
18 shall be recommended by the California State Association  
19 of Counties.

20 (3) The advisory committee shall provide oversight of,  
21 and recommend priorities for, grant funding under this  
22 section. In making funding decisions, the Department of  
23 Fish and Game shall consider the project selection  
24 priorities established by the advisory committee.

25 (4) Members of the advisory committee shall be  
26 reimbursed for travel and incidental expenses related to  
27 the performance of their duties under this section.  
28 Reimbursement shall be made from the funds designated  
29 in subparagraph (B) of paragraph (1) of subdivision (b).

30 (d) Except as provided in subdivision (e), the money  
31 in the Salmon and Steelhead Trout Restoration Account  
32 shall be allocated as follows:

33 (1) Not less than 65 percent of the money shall be used  
34 for salmon habitat protection and restoration projects. Of  
35 that amount, at least 75 percent shall be used for  
36 watershed (upslope) and riparian area protection and  
37 restoration activities.

38 (2) Up to 35 percent of the money shall be allocated for  
39 any of the following uses:

1 (A) Watershed evaluation, assessment, and planning  
2 necessary to develop a site-specific and clearly prioritized  
3 plan to implement watershed improvements.

4 (B) Multiyear grants for watershed planning and  
5 project monitoring and evaluations.

6 (C) Watershed organization support and assistance.

7 (D) Project maintenance and monitoring after the  
8 project implementations are complete.

9 (E) Public school watershed and fishery conservation  
10 education projects.

11 (F) Private sector technical training and education  
12 project grants, including teaching private landowners  
13 about practical means of improving land and water  
14 management practices that, if implemented, will  
15 contribute to the protection and restoration of salmon  
16 stream habitat; scholarship funding for workshops and  
17 conferences that teach restoration techniques; operation  
18 of nonprofit restoration technical schools; and production  
19 of restoration training and education workshops and  
20 conferences.

21 (G) California Forestry Incentive Program (CFIP)  
22 projects that meet CFIP guidelines.

23 (H) The salmon restoration project of the California  
24 Conservation Corps.

25 (I) The state's share of the federal Watershed  
26 Stewards Program.

27 (e) The advisory committee may, in any fiscal year,  
28 make a recommendation to the Department of Fish and  
29 Game to allocate money from the Salmon and Steelhead  
30 Trout Restoration Account for the purposes stated in  
31 subdivision (d), but in different percentage  
32 requirements than the 65/35 split stated in paragraphs  
33 (1) and (2) of that subdivision. Following that  
34 recommendation, the Director of Fish and Game may  
35 suspend the percentage requirements stated in  
36 paragraphs (1) and (2) of subdivision (d) for that fiscal  
37 year only.

38 ~~No~~

39 *SEC. 4. No reimbursement is required by this act*  
40 *pursuant to Section 6 of Article XIII B of the California*

1 Constitution because the only costs that may be incurred  
2 by a local agency or school district will be incurred  
3 because this act creates a new crime or infraction,  
4 eliminates a crime or infraction, or changes the penalty  
5 for a crime or infraction, within the meaning of Section  
6 17556 of the Government Code, or changes the definition  
7 of a crime within the meaning of Section 6 of Article  
8 XIII B of the California Constitution.

9 Notwithstanding Section 17580 of the Government  
10 Code, unless otherwise specified, the provisions of this act  
11 shall become operative on the same date that the act  
12 takes effect pursuant to the California Constitution.

